



City of Albuquerque

Legislative File Number O-06-39 (version 1)

---

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

Zone Map Amendment, 06epc-00465 (Project #1004260), For 9,670 Acres, More Or Less, Located In An Area Of Land In Sections 13 - 15, 20 - 24, 26 - 29, 32 - 35, Township 9 North, Range 3 East, Nmpm And Sections 2 - 6, Township 8 North, Range 3 East, Nmpm, Located East Of Interstate 25, South Of The Tijeras Arroyo, West Of Kirtland Air Force Base And North Of Isleta Pueblo; And A Certain Tract Of Land Situate Between State Road 47 (Broadway Boulevard) And Interstate 25; And Located West Of State Road 47 (Broadway Boulevard) And South Of Interstate 25; And A Certain Tract Of Land Located North And West Of The Interstate 25/State Road 47 (Broadway Boulevard) Interchange; All Part Of An Area Commonly Referred To As Mesa Del Sol, From Su-2/Pc To Pc For 9,670 Acres.

## **CITY of ALBUQUERQUE SEVENTEENTH COUNCIL**

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. ZONE MAP AMENDED. The establishment of PC zoning is appropriate because it will ensure that all entitlements and responsibilities for a planned community can be legally implemented and fulfilled by the developer and the City and it will provide stability to the area. The owners of the area hereby presented a properly signed application to amend the zoning for the following territory, 9,670 acres, more or less, located east of Interstate 25, south of the Tijeras Arroyo, west of Kirtland Air Force Base and north of Isleta Pueblo, and between State Road 47 (Broadway Boulevard) and Interstate 25, and west of State Road 47 (Broadway Boulevard) and South of Interstate 25, and north and west of the Interstate 25/State Road 47 (Broadway Boulevard) Interchange; and more particularly described as follows:

- A. A 9,670-acre portion of unplatted land within Sections 13 - 15, 20 - 24, 26 - 29, 32 - 35, Township 9 North, Range 3 East, NMPM and Sections 2 - 6, Township 8 North, Range 3 East, NMPM as shown on attached Exhibit A.

Section 2. Therefore, the zone map adopted by Section 14-16-1-1 et. Seq.

R.O.A. 1994 is hereby amended, establishing PC zoning for the area specified in Section 1 above.

Section 3. FINDINGS AND CONDITIONS ACCEPTED. The Council shall adopt the following zone map amendment findings and conditions recommended by the Environmental Planning Commission on 18 May 2006:

1. This is a request for a zone map amendment from SU-2 for PC to PC for an approximately 9,670-acre area commonly known as the Mesa del Sol planned community.
2. Land use districts identified in the Mesa del Sol Level "A" Master Plan established the permissive uses within the proposed PC Zone; the Level "B" and/or "C" Plans will further establish land use by parcel, acreage and type within the land use districts.
3. Adoption and amendment of rank two Level A plans is by the City Council. It is initially done when the PC zone is mapped for a community; application for the PC zone shall be accompanied by a proposed Level A plan for the planned community. The City Council adopted the Mesa del Sol Level A Community Master Plan in January 2006 (R-2006-005).
4. The requested zone map amendment will "clean up" the zoning to bring it into conformance with the regulations of the Zoning Code and the policies of the Comprehensive Plan.
5. The applicant demonstrates a clear understanding of the Comprehensive Plan Reserve Area Goal and how it applies to planned communities by describing the review and approval of the Level A Master Plan and its associate development agreement. The applicant clearly explains how the Mesa del Sol planned community will meet each of the guidelines of Policy a, as already established with the review and approval of the Level A Master Plan, including political unification with the City of Albuquerque, substantial self-sufficiency, "no net expense," transit service, open space designation, variety of housing and sufficient acreage.
6. The applicant explains how the already approved Level A Master Plan entails an ambitious agenda of balanced circulation and transit and economic

development that further the Comprehensive Plan Transportation and Transit and Economic Development Goals.

7. The subject site includes several proposed activity centers as outlined in the approved Level A Master Plan. The subject request will further the Comprehensive Plan Activity Centers Goal by allowing for Level B and C Plans for activity centers to be reviewed and approved as per the PC zone criteria at the EPC and Planning Department staff level respectively, instead of having to be individually reviewed through the City Council process.
8. R-270-1980:
  - a. Section 1.A. The proposed change is consistent with the health, safety, morals, and general welfare of the City.
  - b. Section 1.B. The subject request will lead to stable land use and zoning via future Level B and C Plan reviews and approvals as allowed by the PC zone. The applicant has adequately shown why the change should be made.
  - c. Section 1.C. The applicant has demonstrated that the requested zoning is not in conflict with adopted elements of the Comprehensive Plan.
  - d. Section 1.D. The cited changed conditions, creation of the PC zone after the site was annexed and adoption of the Mesa del Sol Level A Master Plan, justify the change. This necessitates bringing the site's zoning into conformance with the Zoning Code, the Comprehensive Plan and the Planned Communities Criteria. In order for the area to truly function as a planned community, the zoning should be PC to ensure that all entitlements and responsibilities can be legally implemented and fulfilled by the developer and the City of Albuquerque.
  - e. Section 1.E. The PC zone will benefit the community and the City of Albuquerque.
  - f. Section 1.F. The approved development agreement will ensure the planned community develops at “no net expense” to the City.
  - g. Section 1.G. Conformance with the Zoning Code and Comprehensive Plan is the determining factor for this change of zone.

h. Sections 1.H.I. and J. are not applicable to this request.

9. There is no known neighborhood or other opposition to this request.

Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.